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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,308	12/12/2001	Terry Fisher	0630-00001	5656

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EXAMINER

HAMILTON, ISAAC N

ART UNIT PAPER NUMBER

3724

DATE MAILED: 02/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

### Office Action Summary

Application No.

10/015,308

Applicant(s)
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FISHER, TERRY

**Examiner**

Isaac N. Hamilton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2006.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings were received on 12/12/05. These drawings are acceptable.

### ***Specification***

2. The amendment filed 01/20/06 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: claim 1, line 9, "completely"; claim 7, lines 9-10, "on an opposite side thereof"; claim 9, line 9, "completely"; claim 12, line 5, "completely"; claim 18, line 12, "completely". Applicant has added the limitation of "completely" in order to describe the position of the body piece being on a side of the guide member opposite the workpiece. This limitation was not described in the specification or shown in the drawings. Moreover, the description in the specification and the figures of the drawings suggest that the body piece is not capable of being positioned "completely" across the guide member. The description recites on page 2, lines 25-28, that the body piece is slidable along the support arm and can be positioned at varying distances from the guide member, however, the distance between the guide member and the body piece is described further as defining "a workpiece cutting width". How can the workpiece be cut if the body piece is completely across the guide member? Additionally, figure 4 shows holder member 22 attached to body piece 20. According to figure 4, how can body piece 20 slide completely across guide member 14 if holder member 22 is attached to body piece 20 and holder member 22 projects below the lower surface of body piece 20? How does the position of the body piece slide completely across guide member 14 if

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holder member 22 abuts guide member 14 and stops the sliding movement of the body piece 20?

What is the value of the workpiece cutting width defined between the body piece 20 and the guide member 14 when the body piece is on the opposite side of the guide member 14 than the workpiece 100? How is the cut performed on the workpiece in the completely across position of the body member?

Applicant is required to cancel the new matter in the reply to this Office Action.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant has added the limitation of “completely” in order to describe the position of the body piece being on a side of the guide member opposite the workpiece. This limitation was not described in the specification or shown in the drawings. Moreover, the description in the specification and the figures of the drawings suggest that the body piece is not capable of being positioned “completely” across the guide member. The description recites on page 2, lines 25-28, that the body piece is slidable along the support arm and can be positioned at varying distances from the guide member, however, the distance between the guide member and the body piece is described further as defining “a workpiece cutting width”. How can the workpiece be

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cut if the body piece is completely across the guide member? Additionally, figure 4 shows holder member 22 attached to body piece 20. According to figure 4, how can body piece 20 slide completely across guide member 14 if holder member 22 is attached to body piece 20 and holder member 22 projects below the lower surface of body piece 20? How does the position of the body piece slide completely across guide member 14 if holder member 22 abuts guide member 14 and stops the sliding movement of the body piece 20? What is the value of the workpiece cutting width defined between the body piece 20 and the guide member 14 when the body piece is on the opposite side of the guide member 14 than the workpiece 100? How is the cut performed on the workpiece in the completely across position of the body member? For purposes of examination “said body piece slidable completely across said guide member” is interpreted as the body piece being slidable to a position where the body piece overlaps the guide member.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 5-9, 11 and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Helm, Sr. (5,083,375). Helms, Sr. discloses guide member 12, 20, 22; channel juxtaposed between guide member elements 16, 18, 20, 22; support arm 24, 26a, 26b, 28a and 28b; U-shaped portion is the portion of elements 24, 26a, 26b, 28a and 28b that are adjacent to the edge of the workpiece 14 as shown in figure 1; the U-shaped portion is considered arcuate due to the

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arcuate shape of element 24 shown in figure 5, moreover, since no specific advantage of having an arcuate shape is disclosed, any general U-shaped element satisfies the limitation; linear portion 26a, 26b, 28a, 28b; space as seen in figures 1 and 3; body piece 44; body piece 44 slides completely across the guide member to the same degree that applicant's body piece slides completely across the guide channel; handle 50; cutting assembly shown in figure 8 attached to handle 50; workpiece 14; cut line in figure 13; inner side is the top of body piece 44 in figure 7; outer side is the bottom of body piece 44 in figure 7; it is implied in figures 14 and 15 that body piece 44 moves across guide member 12 in order to completely sever the workpiece 14 as shown in figure 15; slider member 52, 54; channel with non-circular cross section in figure 16; bolt 62; roughly c-shaped cross section of guide member 12, 20, 22 in figures 1 and 3; method of cutting sheeted material in figures 13-15; longitudinal axis is collinear with guide member 12; wing bolt 62; top wall 18; bottom wall 20; rear wall 16; first side of guide member is the top of guide member 12 as shown in figure 1; second side of guide member 12 is the bottom edge of element 18; second, free end of support arm 28a and 28b is at the bottom of the support arm in figure 1.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2-4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helm, Sr. in view of Dunn (4,574,480). Helm, Sr. discloses everything as noted above, but does not disclose a holder member and two cutter wheels. However, Dunn teaches holder member 12, 13,

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14 and teaches cutter wheels 15, 16. It would have been obvious to provide a holder member and cutter wheels in Helm, Sr. as taught by Dunn in order to increase the cutting surface of the tool.

9. Claims 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helm, Sr. in view of Dunn (4,574,480). Helm, Sr. discloses guide member 12, 20, 22; first side of guide member is the top of guide member 12 as shown in figure 1; second side of guide member 12 is the bottom edge of element 18; body piece 44; handle 50; cutting assembly shown in figure 8 attached to handle 50; support arm 24, 26a, 26b, 28a, 28b; linear portion 26a, 26b, 28a, 28b; workpiece 14; cut line in figure 13; cube 44; slider member 52, 54; wing bolt 62; square cross section channel in figure 16. Helm, Sr. does not disclose a holder member and does not disclose two cutter wheels, however, Dunn teaches holder member 12, 13, 14 and teaches cutter wheels 15, 16. It would have been obvious to provide a holder member and cutter wheels in Helm, Sr. as taught by Dunn in order to increase the cutting surface of the tool. Note in Dunn, upper portion 13; medial portion 14; lower portion 12; upper cutter wheel 16; lower cutter wheel 15; interface of cutter surfaces in figure 4.

### ***Response to Arguments***

Applicant's arguments filed 12/20/05 have been fully considered but they are not persuasive. Applicant asserts that the body piece slides completely across the guide member. However, the body piece of the instant application does not slide completely across the guide member as recited above in paragraph 3 of this Office action.

### ***Conclusion***

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac Hamilton whose telephone number is 571-272-4509. The examiner can normally be reached on Monday through Friday between 8am and 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IAH

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February 16, 2006



**KENNETH E. PETERSON  
PRIMARY EXAMINER**